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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,241	04/04/2001	Roli Garg Wendorf	NL000763	2668

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EXAMINER	
HOANG, PHUONG N	
ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/826,241	WENDORF ET AL.	
	Examiner	Art Unit	
	Phuong N. Hoang	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 12 are pending for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1 - 4, and 8 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs, US patent no. 6,169,725.**

4. Gibbs reference was cited in the last office action.

5. **As to claim 1**, Gibbs teaches a communication system including an in-home network, and a remote device;

a. the in-home network (Home Audio/Video system (HAVI), col. 4) including a plurality of in-home devices (devices, figures 1 – 3 and col. 9 lines 5 – 12) operative to communicate using predetermined in-home protocols including an in-home application protocol (IEEE 1394, col. 6 lines 1 - 25); at least one of the in-home devices, being referred to as intermediate device (intermediate AV

nodes, col. 6 lines 47 – 60), also being operative to communicate with the remote device using predetermined remote protocols (predefined message set, col. 7 lines 55 – 65, and col. 11 lines 29 – 67) including a remote application protocol which differs from the in-home application protocols;

b. the remote device (FAV, col. 6 lines 36 – 46) being operative to load a portable application program (havlet, col. 10 lines 2 – 10, and fig. 5) for controlling at least one of the in-home devices by calling an Application Program Interface (API) of the in-home application protocol (the message system, col. 7 lines 55 – 65, col. 9 lines 55 – 60, and col. 11 lines 28 - 65); and load an API emulator (Interoperability interfaces, fig. 5 and col. 4 lines 10 – 44) and operative to provide a callable interface (provide an API, col. 7 lines 60 – 65) for functions of the in-home application protocol, and to supply this API functionality by communicating with a module (CMM, col. 7 lines 55 – 65, and col. 11 lines 29 – 67) in the intermediate device (intermediate AV nodes, col. 6 lines 47 – 60) using the remote protocols;

c. the intermediate device including:

- an API operative to provide interface functionality for the functions of the in-home application protocol by controlling the intermediate device an/or communicating with other in-home device(s) according to application messages of the in-home application protocol (message system, col. 7 lines 55 – 65, col. 9 lines 55 – 60, and col. 11 lines 28 - 65); and

- the module (CMM, col. 7 lines 55 – 65, and col. 11 lines 29 – 67) for communicating between in the remote device and the intermediate device.

Gibbs does not explicitly teach the communication establishes a substantially transparent path between the portable application program in the remote device and the API in the intermediate device.

However, Gibbs teaches the message system is responsible for passing message between elements, and the havlet allowing user control of the device (col. 10 lines 5 – 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that the communication is substantially transparent because in order for the intermediate device to manipulate the havlet, the message system is used for communicate between elements to allow the remote device to bind the intermediate device to provide a service to user, and havlet is cross-platform compatible and portable, the communication is easy and substantially transparent.

6. **As to claim 2,** Gibbs teaches the steps of wherein the in-home protocols include a messaging protocol (IEEE 1394, col. 6 lines 1 - 25), hierarchically below the in-home application protocol (message system, col. 6 lines 1 – 25), and the API emulator (Interoperability interfaces, fig. 5 and col. 4 lines 10 – 44) being operative to supply the API functionality by executing the in-home application protocol in the remote device

(send the message) and supplying the in-home application protocol an interface to the messaging protocol by communicating with the module in the intermediate device using the remote protocols.

7. **As to claim 3,** Gibbs teaches the step of wherein the in-home application protocols are HAVi based (HAVi, col. 4).

8. **As to claim 4,** Gibbs teaches the step of wherein the portable application program is Java based (havlet is Java applet, col. 10 lines 5 – 19).

9. **As to claims 8 and 9**, Gibbs teaches the step of wherein the remote device is operative to load the portable application program and/or API emulator from an in-home device, other than the intermediate device, via the intermediate device (col. 10 lines 2 – 10, and fig. 5).

10. **As to claims 10 and 11,** see the rejection for claim 1 above.

11. **As to claim 12,** this is the method claim of claim 1. See rejection for claim 1 above.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs, US patent no. 6,169,725 in view of Li, US patent no. 6,519,594.

13. Li reference was cited in the last office action.

14. **As to claim 5**, Gibbs does not teach the step of wherein the remote protocols are based on Internet protocols.

Li teaches the step of wherein the remote protocols are based on Internet protocols (Internet, col. 2 lines 58 – 65 and fig. 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gibbs and Li's system because Li's Internet protocols are suitable and convenience for the communication of the home audio and video Interoperability system.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs, US patent no. 6,169,725 in view of Mein, US patent no. 6,457,066.

16. Mein reference was cited in the last office action.

17. **As to claim 6,** Gibbs does not teach the step of wherein the API emulator and the module communicate using a remote procedure calling protocol.

Mein teaches the communication using a remote procedure calling protocol (SOAP, fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gibbs and Mein's because Mein's SOAP is used to encode the information in Web service request and independent of any operating system that is suitable for the home audio and video interoperability system.

18. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs, US patent no. 6,169,725 in view of Humpleman, US patent no. 6,182,094.

19. Humpleman reference was cited in the last office action.

20. **As to claim 7**, Gibbs does not teach the step of wherein information to be communicated between the API emulator and the module are described using a mark-up language.

Humpleman teaches the step of the communication for home network would be XML (XML, col. 4 lines 5 – 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gibbs and Humpleman's system because Humpleman's XML is well known specifically designed for web documents and enabling the transmission and interpretation of data between applications, and the

protocol is suitable for the home audio and video interoperability system that provides communication between application with different platforms.

Response to Arguments

21. Applicant's arguments filed on 10/1/04 have been fully considered but they are not persuasive.

22. Applicant argued in substance that

(1). FAV node in Gibbs is not a remote device that communicates with the in-home network using remote protocols.

(2). FAV node does not provide a callable interface for functions of the in-home application protocol, and not supply this API functionality by communicating with a module in any intermediate device using any remote protocols. The cited text does not disclose that the FAV node communicates with any CMM in an IAV node.

(3). The predefined message set is not a "remote application protocol which differs from the in-home application protocols".

(4). The office action has provided no support for the motivation for the limitation "establishing a substantially transparent communication path between a portable application program in the remote device and the API in the intermediate device".

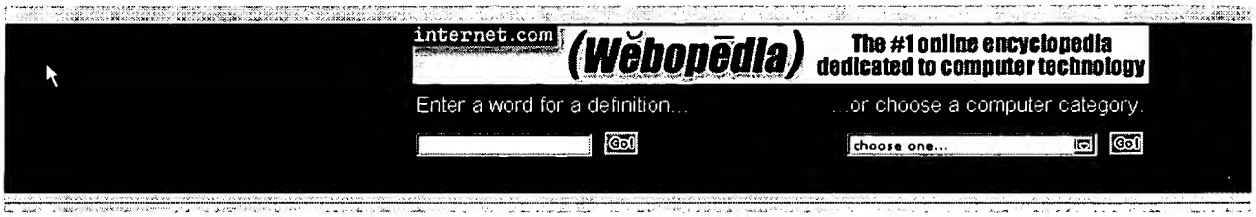
(5). "What does not fact that XML ....document" lead one to modify Gibbs to produce the system of claim 7.

23. Examiner respectfully disagrees with applicant argument.

As to point 1, FAV is a remote device that communicates with the in-home network using remote protocols. FAV is a separate device of the in-home devices, so it is remote to each other (fig. 1 – 3).

As to point 2, FAV node does provide a callable interface for functions of the in-home application protocol, and supply this API functionality by communicating with a module in any intermediate device using any remote protocols. Yes, the cited text does disclose that the FAV node communicates with any CMM in an IAV node. Here examiner writes the whole paragraph that was cited in the last office action (FAV nodes act as the control nodes and create a local representation of the IAV node, known as a device control module (DCM) that provides an API used to sent control command to the device, col. 7 lines 60 – 65 and col. 6 lines 35 – 60).

As to point 3, the predefined message set is a remote application protocol. By definition of SOAP:



SOAP

Short for *Simple Object Access Protocol*, a lightweight XML-based messaging protocol used to encode the information in Web service request and response messages before sending them over a network. SOAP messages are independent of any operating system or protocol and may be transported using a variety of Internet protocols, including SMTP, MIME, and HTTP.

So, the predefined message set is also the protocol.

As to claim 4, the office action has provided support for the motivation for the limitation "establishing a substantially transparent communication path between a portable application program in the remote device and the API in the intermediate device". Gibbs teaches all claimed limitations communication path between a portable application program (halvet, col. 10 lines 2 – 10, and fig. 5) in the remote device (communicate between FAV, IAV), and the API in the intermediate device as argued in point 2. Therefore, one of ordinary skill in the art at the time the invention was made would recognize that the communication is substantially transparent because in order for the intermediate device to manipulate the havlet, the message system is used for communicate between elements to allow the remote device to bind the intermediate device to provide a service to user, and havlet is cross-platform compatible and portable, the communication is easy and substantially transparent. It is not an additional limitation that examiner did not cite.

As to point 5, claim 7 requires XML for HAVI system. The system also require internet protocols. Humpleman teaches XML (col. 4 lines 5 – 10). Gibbs teaches HAVI system that, and Humpleman also teaches a home audio/video system that provides internet access (col. 20 lines 42 – 50), so they are on the same field of the invention and can be combined.

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is

(571)272-3763. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ph
February 19, 2005

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